

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ROBERT CONWAY,

Petitioner,

v.

CIVIL ACTION NO. 5:14-cv-15756

JOE COAKLEY,

Respondent.

MEMORANDUM OPINION AND ORDER

On May 2, 2014, the Petitioner filed his *pro se* Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Document 2). By Standing Order (Document 3) entered on May 14, 2014, the matter was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On February 9, 2016, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 9) wherein it is recommended that the Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Document 2) be dismissed and that this matter be removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 26, 2016.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Document 2) be **DISMISSED** and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: February 29, 2016



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA